IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 28TH MARCH 2007 / 7TH CHAITHRA 1929

Bail Appl..No. 1854 of 2007()

C.R.NO.61/06 OF CHENGANNUR EXCISE RANGE

: PETITIONER/2ND ACCUSED (IN CUSTODY)

RAMESAN, S/O.GOPALAKRISHNAN, AGED 30,
THOPPIL VEEDU, ENNAKKADU MURI,
ENNAKKADU VILLAGE, CHENGANNUR TALUK.

BY ADV. SRI.S.SHANAVAS KHAN

RESPONDENTS: CR.PETITIONER

THE STATE OF KERALA, REP. BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 28/03/2007 ALONG WITH BA.1863/07 AND BA.1870/07, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. Nos.1854, 1863 and 1870 OF 2007

Dated this the 28th day of March, 2007

O R D E R

The common petitioner in these applications for regular bail is the second accused in C.R.No.61/06 of Chengannur Excise Range for an offence punishable under section 8(2) of the Abkari Act for allegedly having been found in possession of 10 litres of illicit arrack on 14.5.2006, the accused in C.R.No.29/06 of the very same Excise Range for the same offence for allegedly having been found in possession of 8 litres of arrack on 19.3.2006 and the accused in C.R.No.80/05 of the same Excise Range for the very same offence for allegedly having been found in possession of 750 ml. of illicit arrack on 16.8.2005. He was arrested on 23.1.2007 in connection with C.R.No.61/06.

2. Eventhough the learned Public Prosecutor opposed the applications, he fairly conceded that no final report has been filed even after 60 days of judicial custody of the petitioner in all these cases. If so, by virtue of the proviso to sec.167(2) Cr.P.C. the petitioner is entitled to be released on bail as of right.

3. Accordingly, the petitioner is directed to be released on bail on his executing a bond for Rs.20,000/- (Rupees twenty thousand only) in each case with two solvent sureties each for the like amount to the

satisfaction of the J.F.C.M.-II, Chengannur and subject to the following conditions:

a. Petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

b. Petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

c. The petitioner shall make himself available for interrogation as and when required by the investigating officer.

d. Petitioner shall not commit any offence while on bail.

If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

These applications are allowed as above.

(V. RAMKUMAR, JUDGE)

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